

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 156

# **HOUSE BILL 2609**

AN ACT

AMENDING SECTIONS 33-1248, 33-1261, 33-1804 AND 33-1808, ARIZONA REVISED  
STATUTES; RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 33-1248, Arizona Revised Statutes, is amended to read:

33-1248. Open meetings; exceptions

A. Notwithstanding any provision in the declaration, bylaws or other documents to the contrary, all meetings of the UNIT OWNERS' association and THE board of directors, AND ANY REGULARLY SCHEDULED COMMITTEE MEETINGS, are open to all members of the association or any person designated by a member in writing as the member's representative and all members or designated representatives so desiring shall be permitted to attend and speak at an appropriate time during the deliberations and proceedings. The board may place reasonable time restrictions on those persons speaking during the meeting but shall permit a member or a member's designated representative to speak ONCE AFTER THE BOARD HAS DISCUSSED A SPECIFIC AGENDA ITEM BUT before the board takes formal action on ~~an~~ THAT item ~~under discussion~~ in addition to any other opportunities to speak. The board shall provide for a reasonable number of persons to speak on each side of an issue. Any portion of a meeting may be closed only if that portion of the meeting is limited to consideration of one or more of the following:

1. Legal advice from an attorney for the board or the association. On final resolution of any matter for which the board received legal advice or that concerned pending or contemplated litigation, the board may disclose information about that matter in an open meeting except for matters that are required to remain confidential by the terms of a settlement agreement or judgment.

2. Pending or contemplated litigation.

3. Personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association, including records of the association directly related to the personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association.

4. Matters relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.

5. DISCUSSION OF A UNIT OWNER'S APPEAL OF ANY VIOLATION CITED OR PENALTY IMPOSED BY THE ASSOCIATION EXCEPT ON REQUEST OF THE AFFECTED UNIT OWNER THAT THE MEETING BE HELD IN AN OPEN SESSION.

B. Notwithstanding any provision in the condominium documents, all meetings of the UNIT OWNERS' association and the board shall be held in this state. A meeting of the UNIT OWNERS' association shall be held at least once each year. Special meetings of the UNIT OWNERS' association may be called by the president, by a majority of the board of directors or by unit owners

1 having at least twenty-five per cent, or any lower percentage specified in  
2 the bylaws, of the votes in the association. ~~Unless otherwise provided in~~  
3 ~~the articles or the bylaws of the association,~~ Not fewer than ten nor more  
4 than fifty days in advance of any meeting of the unit owners, the secretary  
5 shall cause notice to be hand delivered or sent prepaid by United States mail  
6 to the mailing address of each unit or to any other mailing address  
7 designated in writing by the unit owner. The notice of any meeting of the  
8 unit owners shall state the time and place of the meeting. The notice of any  
9 special meeting of the unit owners shall also state the purpose for which the  
10 meeting is called, including the general nature of any proposed amendment to  
11 the declaration or bylaws, any changes in assessments that require approval  
12 of the unit owners and any proposal to remove a director or officer. The  
13 failure of any unit owner to receive actual notice of a meeting of the unit  
14 owners does not affect the validity of any action taken at that meeting.

15 C. ~~Unless otherwise provided in the articles or bylaws of the~~  
16 ~~association~~ NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER  
17 CONDOMINIUM DOCUMENTS, for meetings of the board of directors that are held  
18 after the termination of declarant control of the association, notice to unit  
19 owners of meetings of the board of directors shall be given at least  
20 forty-eight hours in advance of the meeting by newsletter, conspicuous  
21 posting or any other reasonable means as determined by the board of  
22 directors. An affidavit of notice by an officer of the association is prima  
23 facie evidence that notice was given as prescribed by this section. Notice  
24 to unit owners of meetings of the board of directors is not required if  
25 emergency circumstances require action by the board before notice can be  
26 given. Any notice of a board meeting shall state the time and place of the  
27 meeting. The failure of any unit owner to receive actual notice of a meeting  
28 of the board of directors does not affect the validity of any action taken at  
29 that meeting.

30 D. NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER  
31 CONDOMINIUM DOCUMENTS, FOR MEETINGS OF THE BOARD OF DIRECTORS THAT ARE HELD  
32 AFTER THE TERMINATION OF DECLARANT CONTROL OF THE ASSOCIATION, ALL OF THE  
33 FOLLOWING APPLY:

34 1. THE AGENDA SHALL BE AVAILABLE TO ALL UNIT OWNERS ATTENDING.

35 2. AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS MAY BE CALLED TO  
36 DISCUSS BUSINESS OR TAKE ACTION THAT CANNOT BE DELAYED UNTIL THE NEXT  
37 REGULARLY SCHEDULED BOARD MEETING. THE MINUTES OF THE EMERGENCY MEETING  
38 SHALL STATE THE REASON NECESSITATING THE EMERGENCY MEETING. THE MINUTES OF  
39 THE EMERGENCY MEETING SHALL BE READ AND APPROVED AT THE NEXT REGULARLY  
40 SCHEDULED MEETING OF THE BOARD OF DIRECTORS.

41 3. A QUORUM OF THE BOARD OF DIRECTORS MAY MEET BY MEANS OF A TELEPHONE  
42 CONFERENCE IF A SPEAKERPHONE IS AVAILABLE IN THE MEETING ROOM THAT ALLOWS  
43 BOARD MEMBERS AND UNIT OWNERS TO HEAR ALL PARTIES WHO ARE SPEAKING DURING THE  
44 MEETING.

4. ANY QUORUM OF THE BOARD OF DIRECTORS THAT MEETS INFORMALLY TO DISCUSS ASSOCIATION BUSINESS, INCLUDING WORKSHOPS, SHALL COMPLY WITH THE OPEN MEETING AND NOTICE PROVISIONS OF THIS SECTION WITHOUT REGARD TO WHETHER THE BOARD VOTES OR TAKES ANY ACTION ON ANY MATTER AT THAT INFORMAL MEETING.

E. IT IS THE POLICY OF THIS STATE AS REFLECTED IN THIS SECTION THAT ALL MEETINGS OF A CONDOMINIUM, WHETHER MEETINGS OF THE UNIT OWNERS' ASSOCIATION OR MEETINGS OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, BE CONDUCTED OPENLY AND THAT NOTICES AND AGENDAS BE PROVIDED FOR THOSE MEETINGS THAT CONTAIN THE INFORMATION THAT IS REASONABLY NECESSARY TO INFORM THE UNIT OWNERS OF THE MATTERS TO BE DISCUSSED OR DECIDED AND TO ENSURE THAT UNIT OWNERS HAVE THE ABILITY TO SPEAK AFTER DISCUSSION OF AGENDA ITEMS, BUT BEFORE A VOTE OF THE BOARD OF DIRECTORS IS TAKEN. TOWARD THIS END, ANY PERSON OR ENTITY THAT IS CHARGED WITH THE INTERPRETATION OF THESE PROVISIONS SHALL TAKE INTO ACCOUNT THIS DECLARATION OF POLICY AND SHALL CONSTRUE ANY PROVISION OF THIS SECTION IN FAVOR OF OPEN MEETINGS.

~~D.~~ F. This section does not apply to timeshare plans or associations that are subject to chapter 20 of this title.

Sec. 2. Section 33-1261, Arizona Revised Statutes, is amended to read:

33-1261. Flag display; for sale or lease signs; political petitions; applicability

A. Notwithstanding any provision in the condominium documents, an association shall not prohibit the outdoor display of any of the following:

1. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by a unit owner on that unit owner's property if the American flag or military flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nations flag.

B. The association shall adopt reasonable rules and regulations regarding the placement and manner of display of the American flag, the military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian nations flag. The association rules may regulate the location and size of flagpoles but shall not prohibit the installation of a flagpole.

C. Notwithstanding any provision in the condominium documents, an association shall not prohibit OR CHARGE A FEE FOR THE USE OR PLACEMENT OF the indoor or outdoor display of a for sale, FOR RENT OR FOR LEASE sign and a sign rider by a unit owner on that owner's property IN ANY COMBINATION, including a sign that indicates the unit owner is offering the property for sale by owner. The size of a sign offering a property for sale, FOR RENT OR FOR LEASE shall be in conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN AND AN ASSOCIATION

1 MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY PRODUCED. With  
2 respect to real estate for sale, FOR RENT or FOR lease in the condominium, an  
3 association shall not prohibit IN ANY WAY OTHER THAN IS SPECIFICALLY  
4 AUTHORIZED BY THIS SECTION or otherwise regulate any of the following:

5 1. Temporary open house signs or a unit owner's for sale sign. The  
6 association shall not require the use of particular signs indicating an open  
7 house or real property for sale and may not further regulate the use of  
8 temporary open house or for sale signs that are industry standard size and  
9 that are owned or used by the seller or the seller's agent.

10 2. Open house hours. The association may not limit the hours for an  
11 open house for real estate that is for sale in the condominium, except that  
12 the association may prohibit an open house being held before 8:00 a.m. or  
13 after 6:00 p.m. and may prohibit open house signs on the common elements of  
14 the condominium.

15 3. An owner's or an owner's agent's FOR RENT OR for lease sign unless  
16 an association's documents prohibit or restrict leasing of a unit or units.  
17 An association shall not further regulate a FOR RENT OR for lease sign or  
18 require the use of a particular FOR RENT OR for lease sign other than the FOR  
19 RENT OR for lease sign shall not be any larger than the industry standard  
20 size sign of eighteen by twenty-four inches and on or in the unit owner's  
21 property. If RENTAL OR leasing of a unit is allowed, the association may  
22 prohibit AN open house FOR RENTAL OR leasing being held before 8:00 a.m. or  
23 after 6:00 p.m.

24 D. Notwithstanding any provision in the condominium documents, an  
25 association shall not prohibit but may reasonably regulate the circulation of  
26 political petitions, including candidate nomination petitions or petitions in  
27 support of or opposition to an initiative, referendum or recall or other  
28 political issue on property dedicated to the public within the association.  
29 A condominium is not required to comply with this subsection if the  
30 condominium restricts vehicular or pedestrian access to the condominium.  
31 Nothing in this subsection requires a condominium to make its common elements  
32 available for the circulation of political petitions to anyone who is not an  
33 owner or resident of the community.

34 E. AN ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION C OF THIS  
35 SECTION FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER SECTION  
36 33-1256 AGAINST THAT UNIT FOR A PERIOD OF SIX CONSECUTIVE MONTHS FROM THE  
37 DATE OF THE VIOLATION.

38 ~~E.~~ F. This section does not apply to timeshare plans or associations  
39 that are subject to chapter 20 of this title.

40 Sec. 3. Section 33-1804, Arizona Revised Statutes, is amended to read:  
41 33-1804. Open meetings; exceptions

42 A. Notwithstanding any provision in the declaration, bylaws or other  
43 documents to the contrary, all meetings of the MEMBERS' association and THE  
44 board of directors, AND ANY REGULARLY SCHEDULED COMMITTEE MEETINGS, are open  
45 to all members of the association or any person designated by a member in

1 writing as the member's representative and all members or designated  
2 representatives so desiring shall be permitted to attend and speak at an  
3 appropriate time during the deliberations and proceedings. The board may  
4 place reasonable time restrictions on those persons speaking during the  
5 meeting but shall permit a member or member's designated representative to  
6 speak ONCE AFTER THE BOARD HAS DISCUSSED A SPECIFIC AGENDA ITEM BUT before  
7 the board takes formal action on an THAT item under discussion in addition to  
8 any other opportunities to speak. The board shall provide for a reasonable  
9 number of persons to speak on each side of an issue. Any portion of a  
10 meeting may be closed only if that closed portion of the meeting is limited  
11 to consideration of one or more of the following:

12 1. Legal advice from an attorney for the board or the association. On  
13 final resolution of any matter for which the board received legal advice or  
14 that concerned pending or contemplated litigation, the board may disclose  
15 information about that matter in an open meeting except for matters that are  
16 required to remain confidential by the terms of a settlement agreement or  
17 judgment.

18 2. Pending or contemplated litigation.

19 3. Personal, health or financial information about an individual  
20 member of the association, an individual employee of the association or an  
21 individual employee of a contractor for the association, including records of  
22 the association directly related to the personal, health or financial  
23 information about an individual member of the association, an individual  
24 employee of the association or an individual employee of a contractor for the  
25 association.

26 4. Matters relating to the job performance of, compensation of, health  
27 records of or specific complaints against an individual employee of the  
28 association or an individual employee of a contractor of the association who  
29 works under the direction of the association.

30 5. DISCUSSION OF A MEMBER'S APPEAL OF ANY VIOLATION CITED OR PENALTY  
31 IMPOSED BY THE ASSOCIATION EXCEPT ON REQUEST OF THE AFFECTED MEMBER THAT THE  
32 MEETING BE HELD IN AN OPEN SESSION.

33 B. Notwithstanding any provision in the community documents, all  
34 meetings of the MEMBERS' association and the board shall be held in this  
35 state. A meeting of the MEMBERS' association shall be held at least once  
36 each year. Special meetings of the MEMBERS' association may be called by the  
37 president, by a majority of the board of directors or by members having at  
38 least twenty-five per cent, or any lower percentage specified in the bylaws,  
39 of the votes in the association. ~~Unless otherwise provided in the articles~~  
40 ~~or bylaws of the association,~~ Not fewer than ten nor more than fifty days in  
41 advance of any meeting of the members the secretary shall cause notice to be  
42 hand-delivered or sent prepaid by United States mail to the mailing address  
43 for each lot, parcel or unit owner or to any other mailing address designated  
44 in writing by a member. The notice shall state the time and place of the  
45 meeting. A notice of any special meeting of the members shall also state the

1 purpose for which the meeting is called, including the general nature of any  
2 proposed amendment to the declaration or bylaws, changes in assessments that  
3 require approval of the members and any proposal to remove a director or an  
4 officer. The failure of any member to receive actual notice of a meeting of  
5 the members does not affect the validity of any action taken at that meeting.

6 ~~C. Unless otherwise provided in the articles or bylaws of the~~  
7 ~~association~~ NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER  
8 COMMUNITY DOCUMENTS, for meetings of the board of directors that are held  
9 after the termination of declarant control of the association, notice to  
10 members of meetings of the board of directors shall be given at least  
11 forty-eight hours in advance of the meeting by newsletter, conspicuous  
12 posting or any other reasonable means as determined by the board of  
13 directors. An affidavit of notice by an officer of the corporation is prima  
14 facie evidence that notice was given as prescribed by this section. Notice  
15 to members of meetings of the board of directors is not required if emergency  
16 circumstances require action by the board before notice can be given. Any  
17 notice of a board meeting shall state the time and place of the meeting. The  
18 failure of any member to receive actual notice of a meeting of the board of  
19 directors does not affect the validity of any action taken at that meeting.

20 D. NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS OR OTHER  
21 COMMUNITY DOCUMENTS, FOR MEETINGS OF THE BOARD OF DIRECTORS THAT ARE HELD  
22 AFTER THE TERMINATION OF DECLARANT CONTROL OF THE ASSOCIATION, ALL OF THE  
23 FOLLOWING APPLY:

24 1. THE AGENDA SHALL BE AVAILABLE TO ALL MEMBERS ATTENDING.

25 2. AN EMERGENCY MEETING OF THE BOARD OF DIRECTORS MAY BE CALLED TO  
26 DISCUSS BUSINESS OR TAKE ACTION THAT CANNOT BE DELAYED UNTIL THE NEXT  
27 REGULARLY SCHEDULED BOARD MEETING. THE MINUTES OF THE EMERGENCY MEETING  
28 SHALL STATE THE REASON NECESSITATING THE EMERGENCY MEETING. THE MINUTES OF  
29 THE EMERGENCY MEETING SHALL BE READ AND APPROVED AT THE NEXT REGULARLY  
30 SCHEDULED MEETING OF THE BOARD OF DIRECTORS.

31 3. A QUORUM OF THE BOARD OF DIRECTORS MAY MEET BY MEANS OF A TELEPHONE  
32 CONFERENCE IF A SPEAKERPHONE IS AVAILABLE IN THE MEETING ROOM THAT ALLOWS  
33 BOARD MEMBERS AND ASSOCIATION MEMBERS TO HEAR ALL PARTIES WHO ARE SPEAKING  
34 DURING THE MEETING.

35 4. ANY QUORUM OF THE BOARD OF DIRECTORS THAT MEETS INFORMALLY TO  
36 DISCUSS ASSOCIATION BUSINESS, INCLUDING WORKSHOPS, SHALL COMPLY WITH THE OPEN  
37 MEETING AND NOTICE PROVISIONS OF THIS SECTION WITHOUT REGARD TO WHETHER THE  
38 BOARD VOTES OR TAKES ANY ACTION ON ANY MATTER AT THAT INFORMAL MEETING.

39 E. IT IS THE POLICY OF THIS STATE AS REFLECTED IN THIS SECTION THAT  
40 ALL MEETINGS OF A PLANNED COMMUNITY, WHETHER MEETINGS OF THE MEMBERS'  
41 ASSOCIATION OR MEETINGS OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, BE  
42 CONDUCTED OPENLY AND THAT NOTICES AND AGENDAS BE PROVIDED FOR THOSE MEETINGS  
43 THAT CONTAIN THE INFORMATION THAT IS REASONABLY NECESSARY TO INFORM THE  
44 MEMBERS OF THE MATTERS TO BE DISCUSSED OR DECIDED AND TO ENSURE THAT MEMBERS  
45 HAVE THE ABILITY TO SPEAK AFTER DISCUSSION OF AGENDA ITEMS, BUT BEFORE A VOTE

1 OF THE BOARD OF DIRECTORS IS TAKEN. TOWARD THIS END, ANY PERSON OR ENTITY  
2 THAT IS CHARGED WITH THE INTERPRETATION OF THESE PROVISIONS SHALL TAKE INTO  
3 ACCOUNT THIS DECLARATION OF POLICY AND SHALL CONSTRUER ANY PROVISION OF THIS  
4 SECTION IN FAVOR OF OPEN MEETINGS.

5 Sec. 4. Section 33-1808, Arizona Revised Statutes, is amended to read:  
6 33-1808. Flag display; political signs; caution signs; for sale  
7 or lease signs; political petitions

8 A. Notwithstanding any provision in the community documents, an  
9 association shall not prohibit the outdoor display of any of the following:

10 1. The American flag or an official or replica of a flag of the United  
11 States army, navy, air force, marine corps or coast guard by an association  
12 member on that member's property if the American flag or military flag is  
13 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90  
14 Stat. 810; 4 United States Code sections 4 through 10).

15 2. The POW/MIA flag.

16 3. The Arizona state flag.

17 4. An Arizona Indian nations flag.

18 B. The association shall adopt reasonable rules and regulations  
19 regarding the placement and manner of display of the American flag, the  
20 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian  
21 nations flag. The association rules may regulate the location and size of  
22 flagpoles but shall not prohibit the installation of a flagpole.

23 C. Notwithstanding any provision in the community documents, an  
24 association shall not prohibit the indoor or outdoor display of a political  
25 sign by an association member on that member's property, except that an  
26 association may prohibit the display of political signs earlier than  
27 ~~forty-five~~ SEVENTY-ONE days before the day of an election and later than  
28 ~~seven~~ THREE days after an election day. An association may regulate the size  
29 and number of political signs that may be placed on a member's property if  
30 the association's regulation ~~is no more restrictive than~~ CONFORMS TO any  
31 applicable city, town or county ordinance that regulates the size and number  
32 of political signs on residential property. If the city, town or county in  
33 which the property is located does not regulate the size and number of  
34 political signs on residential property, the association shall ~~permit at~~  
35 ~~least one~~ NOT LIMIT THE NUMBER OF political sign-with SIGNS, EXCEPT THAT the  
36 maximum AGGREGATE TOTAL dimensions of ~~twenty-four inches by twenty-four~~  
37 ~~inches~~ ALL POLITICAL SIGNS on a member's property SHALL NOT EXCEED NINE  
38 SQUARE FEET. THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN  
39 AND AN ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY  
40 PRODUCED. For the purposes of this subsection, "political sign" means a sign  
41 that attempts to influence the outcome of an election, including supporting  
42 or opposing the recall of a public officer or supporting or opposing the  
43 circulation of a petition for a ballot measure, question or proposition or  
44 the recall of a public officer.



1 D. Notwithstanding any provision in the community documents, an  
2 association shall not prohibit the use of cautionary signs regarding children  
3 if the signs are used and displayed as follows:

- 4 1. The signs are displayed in residential areas only.
- 5 2. The signs are removed within one hour of children ceasing to play.
- 6 3. The signs are displayed only when children are actually present  
7 within fifty feet of the sign.
- 8 4. The temporary signs are no taller than three feet in height.
- 9 5. The signs are professionally manufactured or produced.

10 E. Notwithstanding any provision in the community documents, an  
11 association shall not prohibit children who reside in the planned community  
12 from engaging in recreational activity on residential roadways that are under  
13 the jurisdiction of the association and on which the posted speed limit is  
14 twenty-five miles per hour or less.

15 F. Notwithstanding any provision in the community documents, an  
16 association shall not prohibit OR CHARGE A FEE FOR THE USE OR PLACEMENT OF  
17 the indoor or outdoor display of a for sale, FOR RENT OR FOR LEASE sign and a  
18 sign rider by an association member on that member's property IN ANY  
19 COMBINATION, including a sign that indicates the member is offering the  
20 property for sale by owner. The size of a sign offering a property for sale,  
21 FOR RENT OR FOR LEASE shall be in conformance with the industry standard size  
22 sign, which shall not exceed eighteen by twenty-four inches, and the industry  
23 standard size sign rider, which shall not exceed six by twenty-four inches.  
24 THIS SUBSECTION APPLIES ONLY TO A COMMERCIALY PRODUCED SIGN AND AN  
25 ASSOCIATION MAY PROHIBIT THE USE OF SIGNS THAT ARE NOT COMMERCIALY PRODUCED.  
26 With respect to real estate for sale, FOR RENT or FOR lease in the planned  
27 community, an association shall not prohibit IN ANY WAY OTHER THAN IS  
28 SPECIFICALLY AUTHORIZED BY THIS SECTION or otherwise regulate any of the  
29 following:

30 1. Temporary open house signs or a ~~unit-owner's~~ MEMBER'S for sale  
31 sign. The association shall not require the use of particular signs  
32 indicating an open house or real property for sale and may not further  
33 regulate the use of temporary open house or for sale signs that are industry  
34 standard size and that are owned or used by the seller or the seller's agent.

35 2. Open house hours. The association may not limit the hours for an  
36 open house for real estate that is for sale in the planned community, except  
37 that the association may prohibit an open house being held before 8:00 a.m.  
38 or after 6:00 p.m. and may prohibit open house signs on the common areas of  
39 the planned community.

40 3. An owner's or an owner's agent's FOR RENT OR for lease sign unless  
41 an association's documents prohibit or restrict leasing of a member's  
42 property. An association shall not further regulate a FOR RENT OR for lease  
43 sign or require the use of a particular FOR RENT OR for lease sign other than  
44 the FOR RENT OR for lease sign shall not be any larger than the industry  
45 standard size sign of eighteen by twenty-four inches on or in the member's

1 property. If RENTAL OR leasing of a member's property is not prohibited or  
2 restricted, the association may prohibit AN open house FOR RENTAL OR leasing  
3 being held before 8:00 a.m. or after 6:00 p.m.

4 G. Notwithstanding any provision in the community documents, an  
5 association shall not prohibit but may reasonably regulate the circulation of  
6 political petitions, including candidate nomination petitions or petitions in  
7 support of or opposition to an initiative, referendum or recall or other  
8 political issue on property dedicated to the public within the association.  
9 A planned community is not required to comply with this subsection if the  
10 planned community restricts vehicular or pedestrian access to the planned  
11 community. Nothing in this subsection requires a planned community to make  
12 its common elements available for the circulation of political petitions to  
13 anyone who is not an owner or resident of the community.

14 H. AN ASSOCIATION OR MANAGING AGENT THAT VIOLATES SUBSECTION F OF THIS  
15 SECTION FORFEITS AND EXTINGUISHES THE LIEN RIGHTS AUTHORIZED UNDER SECTION  
16 33-1807 AGAINST THAT MEMBER'S PROPERTY FOR A PERIOD OF SIX CONSECUTIVE MONTHS  
17 FROM THE DATE OF THE VIOLATION.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House March 1, 2011

by the following vote: 36 Ayes,

21 Nays, 3 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate April 7, 2011

by the following vote: 25 Ayes,

3 Nays, 2 Not Voting

[Signature]  
President of the Senate

Charmian Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20  

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20  

at            o'clock            M.

            
Secretary of State

H.B. 2609

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 13, 2011,

by the following vote: 49 Ayes,

8 Nays, 3 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2011,

at 8:32 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

April, 2011,

at 3:15 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2609

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18<sup>th</sup> day of April, 2011,

at 5:04 o'clock P. M.

[Signature]  
Secretary of State